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ABSTRACT

The productivity of the copyright registration process, which is administered by the Copyright Office within the Library of Congress, can be improved by streamlining the workflow, reducing and streamlining the handling of correspondence, measuring productivity/performance, increasing the use of automation, improving records management, and studying the possible impact of low morale. The actual time required to register a copyright claim is 5 to 6 weeks, with 12 weeks or more required for a claim involving correspondence between the Copyright Office and the claimant. Proposals to improve the efficiency and productivity of the registration process have been made in previous studies and audits. An environment for change now exists within the Copyright Office, and it would be appropriate for Congress to monitor the progress being achieved in productivity improvements. Appendices to this General Accounting Office (GAO) report provide a list of previous audits and studies of the Copyright Office conducted from 1968 to 1981, and a copy of a letter from the Register of Copyrights responding to the GAO study and detailing recent improvements in performance at the Copyright Office. (ESR)

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Improving Productivity In Copyright Registration

Past studies of the copyright registration process have identified many ideas for productivity improvement which have not yet been fully explored. This report describes actions recently taken by top management at the Copyright Office to improve the efficiency and productivity of copyright registration.

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OCTOBER 22, 1982

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ACCOUNTING AND FINANCIAL
MANAGEMENT DIVISION

B-208843

The Honorable Robert W. Kastenmeier
Chairman, Subcommittee on Courts,
Civil Liberties, and the
Administration of Justice
House Committee on the Judiciary

Dear Mr. Chairman:

In your June 28, 1981, letter you asked us to review the operation of the U.S. Copyright Office. As a result of later discussions with your staff, we directed our effort toward examining the productivity of the copyright registration process.

The Copyright Office has taken several important steps to develop an environment for improving the productivity of the registration process. In this report, we describe the current receptivity to productivity improvement at the Copyright Office.

Copies of this report are being sent to the Librarian of Congress and the Register of Copyrights.

Sincerely yours,

W.D. Campbell
Acting Director

COMPTROLLER GENERAL'S REPORT
TO THE CHAIRMAN, SUBCOMMITTEE
ON COURTS, CIVIL LIBERTIES,
AND THE ADMINISTRATION OF
JUSTICE, JUDICIARY COMMITTEE,
HOUSE OF REPRESENTATIVES

IMPROVING PRODUCTIVITY IN COPYRIGHT REGISTRATION

D I G E S T

Copyright registration by the Copyright Office improves a claimant's legal position and creates a public record of the copyright. During fiscal 1981, the Copyright Office, which is within the Library of Congress, registered about 471,000 copyrights, at a cost of about $14.2 million.

But copyright registration can be more efficient. The minimum time to register a claim has more than tripled since 1956 when it took 1 or 2 weeks. The Office goal to register such claims is now 3 to 4 weeks but the actual time required is 5 to 6 weeks.

For claims involving correspondence between the Copyright Office and the claimant, processing time and therefore cost are even greater, usually taking 12 weeks or more and often several months.

In addition to the inefficient workflow and correspondence workload, other factors affect processing time. (See pp. 3 to 5.)

PAST PROPOSALS FOR MAJOR CHANGE PROVIDE OPPORTUNITIES FOR INCREASING PRODUCTIVITY

Proposals to improve the efficiency and productivity of the registration process have been made in various studies and audits of the process. Studies or audits by external and internal groups over the past decade have proposed many ideas to improve the process, and those proposals can and should still be considered.

Improving the copyright registration process in those major areas should save money because:

--The current workflow is inefficient. Registration often takes from 5 to 6 weeks, while the "heart" of the examination process often takes only a few minutes. (See pp. 3 and 4.)

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--About 30 percent of Copyright Office employees spend over half their time performing correspondence-related duties--a workload that could be handled much more efficiently. (See p. 4.)

An integral part of any plan to improve productivity and efficiency at the Copyright Office should be to address personnel issues. (See p. 8.)

AN ENVIRONMENT FOR CHANGE NOW EXISTS

Since 1980, the Register of Copyrights has called for improved productivity and efficiency in the copyright registration process. The outlook for the same is evidenced by:

--Recent trends in copyright registration.

--Changes in management practices specifically to enhance productivity.

--Copyright officials' view that the climate for further change is better than it has been in the past.

In addition, Copyright Office management has recently taken several actions to (1) eliminate costly overtime, (2) tighten supervisory controls, (3) increase communication with employees on the importance of productivity, and (4) obtain general advice from external parties on approaches to improve productivity. (See pp. 9 to 11.)

GAO believes that the recent appointment of an executive officer could lead to further improvements in productivity. (See p. 11.)

CONCLUSIONS

The climate for improving productivity is better now than it has been in past years. Further opportunities for improving productivity are available by:

--Streamlining the workflow.

--Reducing and streamlining the handling of correspondence.

--Measuring productivity/performance.

--Increasing the use of automation.

--Improving records management.

--Studying the possible impact of low morale.

GAO believes it would be appropriate for the Congress to monitor the progress being achieved in improving the productivity of the copyright registration process.

AGENCY COMMENTS AND GAO'S EVALUATION

The Register of Copyrights said the problems GAO identified had been recognized by both the Copyright Office and the Library of Congress. He said recommendations from earlier studies would, in due course, be examined as possible avenues of further improvement. He also believed GAO's report should give more emphasis to what he described as "substantial gains." GAO revised its report where appropriate to recognize recent positive actions by the Copyright Office.

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GAO's review of the copyright registration process was conducted at the request of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, House Judiciary Committee.

Tear Sheet

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CHAPTER 1

INTRODUCTION

The first national copyright law was enacted in May 1790 to encourage people of learning and genius to publish their writings. In 1909, various copyright laws enacted since 1790 were consolidated into a comprehensive copyright law. Public Law 94-553, enacted in October 1976 and effective on January 1, 1978, as the first major revision of the copyright law since 1909, expanded the categories of works that could be copyrighted. The revision also added new responsibilities to the Copyright Office within the Library of Congress, which is responsible for all administrative functions and duties relating to copyrights.

WHAT IS COPYRIGHTING?

Copyrighting is a form of legal protection provided creators of original works at the time of creation. Copyrightable works include (1) literature, (2) music, including any accompanying words, (3) drama, including any accompanying music, (4) pantomime and choreography, (5) pictures, graphics, and sculpture, (6) motion pictures and other audiovisual works, and (7) sound recordings. Copyright protection extends to both unpublished and published works.

Copyright protection provides the copyright owner with certain exclusive rights, such as the reproduction, public display, and sale of the copyrighted work. The law also provides limitations to these exclusive rights. For example, a library may reproduce a copyrighted work provided the copyright is protected.

Copyright claimants choosing to register their work send an application form, a fee, and a deposit copy(ies) of their work to the Copyright Office. Inducements to registration include

--establishing a public record of the copyright claim,

--providing the prerequisite for infringement suits, and

--establishing prima facie evidence of the validity of the copyright and of facts stated in the certificate, if made before or within 5 years of publication.

Registration is not mandatory, but deposits of all works with copyright notices must be submitted to the Copyright Office for the Library of Congress' use.

RESPONSIBILITIES OF THE COPYRIGHT OFFICE

The revised law, enacted in 1976, served as a catalyst for significant changes in the Copyright Office. The changes included:

--expansion and reorganization of staff to examine the new and broader classes of works eligible for registration and

--establishment of a licensing division to administer new compulsory licensing requirements for such items as juke-boxes and cable transmissions.

To carry out its mission, the Copyright Office is organized into an office of the register and six divisions: acquisitions and processing, examining, cataloging, records management, licensing, and information and reference. The first two divisions comprise most of the Copyright Office staff--287 of the 535 staff on board at the end of fiscal 1981. These two divisions also have primary registration responsibilities. They receive the registration claims, account for fees, examine the claims, and assign claim registration numbers. The Register of Copyrights is also the Assistant Librarian of Congress of Copyright Services and reports to the Librarian of Congress.

During fiscal 1981, the Copyright Office issued about 471,000 copyright registration certificates and spent about $14.2 million. The fiscal 1981 expenditures were offset about a third by registration and other fees the Office charged. Until the 1940s, Copyright Office fees, primarily registration fees, completely offset the cost of operations. In addition to fees, the books, movies, and other works the Copyright Office acquires are of significant value to the Library of Congress. The Copyright Office valued the deposit copies transferred to the Library in fiscal 1981 at over $4.8 million.

OBJECTIVES, SCOPE, AND METHODOLOGY

Our review was made at the request of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Judiciary Committee. Our primary objective was to review the cost efficiency, productivity, and management effectiveness of the copyright registration process. We performed our work in accordance with GAO's current "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

Our fieldwork was performed between November 1981 and April 1982. Our review was performed primarily at the Copyright Office in Washington, D.C. To understand the registration process, we interviewed Copyright officials and personnel at all levels, concentrating principally on units directly involved with registration. We reviewed pertinent legislation, policies, and regulations. Also, we reviewed various audits and studies made since 1968 to identify and evaluate proposals for improving the efficiency or productivity of the copyright registration process.

To further our understanding of the registration process and to evaluate its efficiency, we observed the actual registration workflow. We also analyzed operations reports, budgetary data, and staffing and workload trends from fiscal 1976 to fiscal 1981.

CHAPTER 2

PAST STUDIES HAVE IDENTIFIED OPPORTUNITIES TO IMPROVE THE PRODUCTIVITY OF THE REGISTRATION PROCESS

Many past studies have identified major inefficiencies in the copyright registration process. However, even though processing inefficiencies have been identified over the years, Copyright Office management has not made major processing changes. We believe that if major proposals from past studies are implemented, the productivity of the registration process would be improved and the operating cost reduced.

INEFFICIENCIES HAVE BEEN IDENTIFIED MANY TIMES IN PAST STUDIES

Primary factors that slow the copyright registration process and increase its cost are:

--Excessive physical movement and handling of incoming material before registration is completed.

--A large volume of correspondence between the Copyright Office and claimants.

--Management policies that can negatively affect the time and cost of registration. Also, general reluctance to change inefficient practices.

The Copyright Office has defined its role as registering copyrights in an accurate and timely manner. Yet, the time to register a copyright remains lengthy. In fact, the time for copyright registration not involving correspondence has tripled since 1957, when it took 1 to 2 weeks. By 1981, the Copyright Office's goal for such copyright registrations was from 3 to 4 weeks, and the actual processing time was between 5 and 6 weeks for the simplest of registrations.

Our assessment of the primary reasons the registration process has remained so slow and costly coincides with conclusions reached in earlier studies and audits of the registration process. (See app. I.)

Too many workstations slow processing time

Moving material through the registration process is cumbersome; stated another way, the workflow is inefficient. This increases the time and cost of registration. An inefficient workflow has repeatedly been cited as a problem in past studies of the Copyright Office; yet, based on our observations, the basic inefficiencies remain unresolved.

The process begins with the receipt of a copyright "claim"--a completed application form, a registration fee, and a deposit copy of the work. Claims are batched by date of receipt; then, typically, they move through a minimum of 12 workstations, each with its own series of handling steps. At many points, different people unbundle, handle, and rebundle the same claim package, logging the material in and out. Such extensive physical handling increases both processing time and cost.

But, by how much? Pinpointing how much time and cost could be saved would require experimenting with an abbreviated workflow, merging some workstations and eliminating others. Past studies citing an inefficient workflow did not identify how much might be saved through increased efficiency. However, one can get a general idea of the time and cost involved by comparing the total processing time with the "heart" of the process--namely, examination of the claim to see whether it can be copyrighted. If no correspondence is involved, the examining procedure often takes only a few minutes, which means that during the remainder of the 5 to 6 week processing time, the material is either waiting for processing, or being moved, bundled or unbundled, or logged in or out.

Handling of correspondence increases processing time

Many claims require the Copyright Office to correspond with the copyright claimant. For these claims, the processing time and cost are considerably greater than the 5 or 6 weeks for claims not involving correspondence. In correspondence the claimant is usually asked to clarify or supply additional information regarding the application form or the copy of the work. The associated workload is the preparation, filing, mailing, and search for correspondence.

The estimated rate of cases involving correspondence in fiscal 1981 was 25 percent. Clearly, increased processing time and cost result from the correspondence workload. Even if just one round of correspondence is involved, the time to process a claim is about 12 weeks. And many claims require followup correspondence. Overall, the average time in fiscal 1981 to process a claim involving correspondence was 16 weeks or longer.

More significantly, the Copyright Office incurs great cost in handling correspondence. Although precise cost information is not maintained, we determined through discussion and observation that about 30 percent of Office employees spent over half their time performing correspondence-related duties. The cost of the correspondence workload can be lowered by reducing the volume and handling correspondence more efficiently.

Reducing the level of correspondence and/or handling it more efficiently has been the key aim of major recommendations in past studies. Although those studies did not quantify possible savings through improving the efficiency of correspondence, the studies did conclude that savings would result.

Other management philosophies and practices affect processing time and cost

At least three other important factors influence the time and cost of the registration process:

--Varying legal interpretations of how rigid--that is, how time consuming and costly--copyright examining standards should be.

--A tradition of serving the public to the fullest extent, which sometimes leads to inefficiencies.

--General reluctance to change established practices even when they are found to be inefficient.

The law requires the Copyright Office to examine claims to see if they can be copyrighted. However, the Office can use considerable discretion regarding how rigid its copyright examination procedures should be. Within the legal discretion permitted, the thoroughness of the examination varies from claim to claim and among examining personnel--thus, the time and cost vary.

Also, a longstanding tradition of "service-to-the-public" sometimes leads to increased workload, thus increasing costs. The Office's interpretation of this tradition can influence whether the most efficient procedure is followed. For example, an examiner may choose to formalize the Office's response by communicating in writing when it would be far less costly simply to phone. In one instance, the Office wrote a three-page letter concerning a claim to copyright a six-word joke, when a phone call to the applicant might have sufficed.

Lastly, because copyright registration procedures have remained essentially unchanged for many years, Copyright Office employees historically have been reluctant to accept change even when inefficiencies have been identified.

PAST PROPOSALS FOR MAJOR CHANGE PROVIDE OPPORTUNITIES FOR IMPROVING PRODUCTIVITY

Proposals that would result in major change--some of which clearly seem worth at least trying--have, in the past, met with strong resistance in the Copyright Office. Implementing major changes that have been proposed in the past could lead to significant productivity improvements and cost reductions.

Studies have been consistent as to where improvements are needed

Studies or audits by external and internal groups over the past decade have proposed many ideas to improve the copyright

registration process. The proposals for change can be grouped in five categories:

--Streamlining the workflow.

--Reducing or streamlining the correspondence workload.

--Increasing the use of automation.

--Establishing and using standards to measure productivity and performance.

--Improving records management.

These areas and others have been addressed more than once in various studies dating back to 1968. (See app. I.) A management consultant study in 1973 resulted in 126 recommendations, but some of its most significant recommendations have not yet been acted upon. Seven recommendations made in a Library of Congress audit in 1980 have also not been fully implemented.

Within the Copyright Office, the planning and technical office was established in 1975, largely to find more efficient ways to operate. This office made many recommendations for improvement, often reinforcing recommendations made earlier by external groups. In early 1981, the planning and technical office was abolished because the Register felt that its function could be more effectively carried out by a new management team. Some of the planning and technical office's recommendations were acted upon, but many were not.

From time to time, other Copyright Office employees have proposed new approaches. For example, in contingency budget planning in January 1981, division directors offered several ideas for staff reductions and reorganizations which may have reduced cost and improved the registration process. We found no evidence that Copyright Office top management carefully studied those ideas.

Copyright officials' objections to past proposals have sometimes been stated more in terms of perceived problems with study methodology or concerns about the source of the recommendation, than with the merits of the proposals, per se. For example, in response to a consultant's 1973 study, one Copyright official felt the consultant lacked an appreciation of the nature of work being done by the Office. Also, the Library of Congress internal audit staff noted that the Copyright Office, in its response to their 1980 audit, had challenged the thoroughness of the audit in much the same way it had challenged the earlier consultant's study.

Past proposals should be reconsidered to identify those with the greatest potential benefit

The Copyright Office does not have a systematic plan to consider and implement past recommendations. We believe the Office

should review past recommendations to identify those which, if implemented, would have the greatest impact on reducing cost or improving productivity. An example would be those proposals for greater use of automation and more efficient correspondence procedures. Recommendations that could be implemented on an experimental basis before deciding on final implementation, such as a proposed streamline of the workflow, should also be reviewed.

Further automation could greatly benefit the copyright registration process. A major automation concept was first proposed in 1969 and has been repeatedly endorsed since then. The concept was to be implemented in three phases. The first two phases were implemented in the late 1970s. 1/ Since then, there has been much discussion and some planning for the third major phase--one presented as having great potential benefits. Yet, the automation concept envisioned over a decade ago is still not implemented.

Streamlining the correspondence workload can also lead to major savings in cost and gains in efficiency. Currently, about 30 percent of Copyright Office personnel spend over half their time in correspondence-related duties. One major reason for this workload is the way correspondence is prepared. Over half of the great volume of correspondence is individually prepared. Greater use of form letters or guide letters 2/ could save money and improve productivity. Such proposals have been made in past studies but, thus far, the only action taken has been to encourage greater use of the telephone.

An example of a past proposal that lends itself to experimentation before broad implementation is a proposed reorganization of the Office along "product lines" 3/ to create a more efficient workflow. The intended benefit of this proposal, which has been made more than once, is to reduce the number of workstations at which material is bundled and unbundled, logged in and out, and moved. Eliminating excessive handling could result in large savings. Objections to product-line organization in the past include

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1/Two phases of automation have been implemented which (1) automate the accounts set up for regular customers who pay in advance for future services and (2) give the Office tracking capabilities for claims with correspondence. We believe these two phases of automation, particularly the second one, have been beneficial.

2/Form letters are preprinted and can be distributed without further preparation. Guide letters are mechanically produced letters with prearranged formats which can be individualized for each recipient. In terms of preparation cost, original letters are the costliest, then guide letters, and the least expensive are form letters.

3/Product lines would be the various categories of copyright; that is, literary, visual arts, and so forth.

the potential, massive disruption to personnel. However, such a proposal could be experimented with for an individual product line before deciding upon its merits for broader implementation. Some high-level Copyright officials informally agreed that this approach would be sound, but no plans to begin an experiment existed at the time of our review.

The Library of Congress' internal auditors concluded in 1980 that "all the alternative solutions have been identified in the many studies of Copyright, and what is needed is an assertive manager to select and implement beneficial alternatives." Our observations of the Copyright Office suggest that conclusion would still apply today, and we believe that past major recommendations must be acted on now.

IMPACT OF MORALE ON PRODUCTIVITY SHOULD ALSO BE CONSIDERED

Integral to any plan to improve productivity and efficiency in the copyright registration process should be personnel issues. This is particularly important since morale problems have been identified in the past. Such factors could be negatively affecting the productivity and cost of the registration process.

The Copyright Office recognizes that Office-wide morale problems might exist but has not formally assessed either the seriousness of the problem or whether low morale has affected productivity. Without a better understanding and action plan to address morale issues, plans for further productivity improvement--even if technically sound--could be negatively affected.

A decade ago, the Copyright Office identified morale problems. In 1971, the Copyright Office studied ways to improve workflow inefficiencies and noted that, for the two units surveyed, continuing personnel problems significantly affected the time needed to process material. The Office concluded that a high turnover in employees was detracting from an efficient operation; high turnover meant constant training. Another factor cited was low morale caused by no room for advancement, disproportionate staff increases in other units, and higher grades obtainable in other units.

The Copyright Office has not formally studied the morale of its staff. According to a report prepared by three agencies, 1/ human factors must be understood and workers' attitudes taken into account in attempting to measure and improve productivity. The report further noted that by using data on employee attitudes and customer satisfaction, managers can obtain a more realistic picture of their organization's performance, problems, and potential.

1/"Total Performance Management: Some Pointers for Action," prepared in the fall of 1978 by the National Center for Productivity and Quality of Work Life, in conjunction with the Department of Housing and Urban Development and the General Accounting Office.

CHAPTER 3

AN ENVIRONMENT FOR CHANGE NOW EXISTS

Since 1980, the Register of Copyrights has called for improved productivity and efficiency in the copyright registration process. The outlook for improving the productivity and reducing the cost of the copyright registration process seems good based on:

--Recent increases in the number of copyright registrations per estimated staff-year.

--Changes in management practices specifically intended to enhance productivity.

--Copyright officials' view that the climate for further change is better than it has been in the past.

THE NUMBER OF REGISTRATIONS PER STAFF-YEAR HAS INCREASED

The Copyright Office does not have what we consider to be an adequate system for measuring and reporting its productivity. Based on our own measurement technique, we found that the number of registrations processed had increased per estimated staff-year used. The increases were attributable in part to revisions in examination standards--a management option within the discretion of the law--and possibly other management improvements.

One underlying cause for the recent changes in registration trends was a management decision in fiscal 1979 to reduce examination standards. More specifically, the number of situations in which examining personnel were required to correspond with claimants was reduced from about 200 to about 160. According to Copyright Office documents, this change reduced the correspondence workload. We believe this type of management discretion is permitted under the law. (See p. 5.) We did not attempt to assess any other possible impact 1/ of the changes in examining standards because it would have been overly time consuming, if not impractical.

In addition to changes in examining standards, other improved management practices--as discussed below--may also have contributed to the increased production of registrations. Also, greater familiarity with the new law undoubtedly helped increase the production of registrations.

1/For example, possibly issuing registration certificates with a higher rate of errors because of less rigid standards. Thus, it is important to observe that increases in "production" do not necessarily equate to increases in "productivity" because the nature of the work performed on registrations processed has been altered.

MANAGEMENT ACTIONS TO ENHANCE PRODUCTIVITY HAVE ALREADY BEEN TAKEN

Copyright Office management has recently taken action to

--eliminate costly overtime,

--tighten supervisory controls,

--increase communication with employees on the importance of productivity, and

--obtain general advice from external parties on approaches to improving productivity.

Perhaps the most significant, recent accomplishment at the Copyright Office has been the virtual elimination of overtime. Overtime costs increased from about $377,000 in fiscal 1977 to about $687,000 in fiscal 1980. In sharp contrast, overtime expenditures in fiscal 1981 were only $25,000 and, according to Copyright officials, reduced overtime has not meant decreased production.

Supervisory controls have also been tightened. According to Copyright officials, past abuses of leave were extensive, but such abuses and unexcused absences have now been greatly reduced. Officials believe that this has been achieved through tighter supervisory control and more frequent threat or actual use of corrective disciplinary actions. Although these steps should lead to enhanced productivity, their precise impact cannot be readily measured.

Concerns about productivity and efficiency have been communicated to employees through articles in an internal newsletter and at various meetings. For example, the Register of Copyrights has called specific attention to the productivity issue in a special Office-wide session. He has repeatedly stressed his belief in "participatory management" as a way of encouraging all employees to be more interested in productivity issues. This can have an offsetting effect to the increased use of corrective disciplinary actions.

During the past 2 years, the Copyright Office has also called upon experts outside the Office to identify ways to improve productivity. A contractor was engaged to assess supervisory performance and development needs. Also, brief sessions were held with a private consultant to discuss ways to increase production. In addition, Copyright officials have attended productivity conferences and have discussed productivity issues informally with other Federal agencies. These contacts have led to an increased awareness of the value of productivity concepts.

Also, several specific procedural changes have been made to improve productivity. For example, examiners have been instructed

to phone claimants rather than write them, which will save costs. Although this procedural change should reduce cost and increase productivity, its impact has not yet been determined by the Copyright Office. Also, the Office plans to fully automate its card catalog files in fiscal 1982, which will permit a staff reduction of 13 without adversely affecting productivity.

CURRENT CLIMATE IS CONDUCIVE TO FURTHER PRODUCTIVITY IMPROVEMENTS

The climate at the Copyright Office is conducive to further improvements because of a

--growing awareness of productivity concepts and issues, due largely to management attention to productivity issues;

--budgetary pressures and a growing registration workload; and

--the recent appointment of an executive officer whose duties include identifying needed management improvements.

In the near future, budgetary constraints and a growing registration workload may create further pressures for productivity improvement. The Register recognized this concern during an October 1981 meeting at which he pointed out a fairly predictable increase in registration of about 5 percent per year. If this rate continues, he asserted that a proposed 10-percent budget cut for fiscal 1982 would have a major impact on the ability of the Copyright Office to process claims promptly.

Also, we believe that the newly appointed executive officer will eventually promote further improvements in productivity. One of her first tasks will be to evaluate steps the Office is taking to complete a list of priorities for management improvement identified at an August 1981 workshop of Copyright Office supervisors. Priorities include, among others,

--developing a meaningful reporting system,

--establishing a timetable for implementing a major automation project,

--monitoring and updating organizational goals, and

--establishing a written plan for records management.

Copyright officials believe that the climate for change is better now than it has been in the past. If their perception is correct, many proposals to improve efficiency and productivity are available for consideration from past studies and audits of the copyright registration process. But sustained effort by top management and enthusiastic supervisory support will be needed to convince employees that major changes can be accommodated.

We are encouraged by actions the Copyright Office has taken to date, but more can still be done. To make more substantive changes, Copyright Office management will need the enthusiastic support of employees at all levels. The employees will be more likely to be persuaded if the Office addresses personnel and morale issues as an integral part of plans to improve the productivity and reduce the cost of the registration process.

CHAPTER 4

CONCLUSIONS, AGENCY COMMENTS, AND OUR EVALUATION

The Copyright Office, whose primary mission is to produce accurate and timely copyright registrations, has in the past reacted slowly to inefficiencies in the registration process. The time to register a copyright has tripled over the past quarter of a century and the costs remain high. Realistically, the Copyright Office cannot expect staff growth to keep pace with the growth in registrations. Therefore, the time is ripe to address the productivity of the registration process. The top management of the Office seems willing to do so.

The registration process, which is characterized by too many work stations and too much correspondence, is time-consuming and complex. Other factors have also contributed to registration inefficiencies. During the past decade, the Office has not acted on many recommendations for major changes. Past recommendations that were repeatedly identified by various parties have not been implemented even though they addressed basic impediments to productivity and efficiency.

While some major recommendations, if implemented, could significantly improve productivity, the same recommendations in some instances would also cause both organizational and personnel disruptions. Therefore, implementation plans for further improving the registration process will have to address personnel issues. For example, the possible impact of low morale must be considered.

Recently, the Copyright Office's top management has been very vocal in its support of the need for productivity awareness in the registration process. The views of Copyright officials, recent trends in the number of copyright registrations, and the appointment of an executive officer to promote management improvement all help create a positive outlook for the future. We believe the climate is right for the Copyright Office to again carefully review the many past, unimplemented recommendations for improved efficiency.

Because the Copyright Office has not yet acted on many past recommendations for improved efficiency which appear sound, the progress in further improving productivity would be an appropriate subject of discussion in future oversight and appropriations hearings before appropriate congressional committees. In particular, the Congress could inquire into progress being made in:

--Streamlining the workflow.

--Reducing and streamlining the handling of correspondence.

--Measuring productivity/performance.

--Increasing the use of automation.

--Improving records management.

--Studying the possible impact of low morale.

AGENCY COMMENTS AND OUR EVALUATION

In commenting on our draft report, the Register of Copyrights stated that the problems identified are not new and had been recognized by both the Copyright Office and the Library of Congress. The Register stated that our report would be fairer and more accurate if it recognized the substantial gains made in the past 2 years rather than only the Office's failure to immediately solve the difficult and longstanding problems remaining. The Register did state that the remaining recommendations in earlier studies will be carefully examined in due course to seek out possible avenues for further improvement. An attachment to his letter listed some actions which would enhance performance.

The Register's letter is included in its entirety as appendix II. We revised our draft report appropriately to recognize the positive actions recently taken by the Copyright Office.

PREVIOUS AUDITS AND STUDIES OF THE COPYRIGHT OFFICE:

1968 to 1981

Curran, Donald C., "Management Survey of the Copyright Office," Library of Congress, 1968.

Cooney, Leo J., "Systems Analysis of Examining and Scheduling Unit, Service Division, Copyright Office;" Copyright Office, 1971.

Cresap, McCormick, and Paget, Inc., "A Management Analysis and Work Simplification Study," Cresap, McCormick, and Paget, Inc., 1973.

Library of Congress' Internal Audit Office, "Audit of the Copyright Materials Stored in Outside Warehouses: Report on Audit No. 118," Library of Congress, 1976.

Surveys and Investigative Staff; House Appropriations Committee, "A Report To The Committee on Appropriations, U.S. House of Representatives, on Staffing Policy and Practices - Copyright Office, Library of Congress," 1979.

Library of Congress' Internal Audit Office, "Audit of the Copyright Office Registration Process: Report on Audit No. 141," Library of Congress, 1980.

General Research Corporation, "Assessment of Supervisory Training Needs of the Copyright Office of the Library of Congress," General Research Corporation, 1981.

The Register

July 27, 1982

Mr. Wilbur Campbell, Director
Accounting and Financial Management Division
Room 6001, General Accounting Office Building
441 G Street, NW
Washington, D. C. 20548

Dear Mr. Campbell:

This letter responds to your invitation for our "review and comments" on your proposed report on the Copyright Office entitled "Climate Is Good For Improving Productivity Of Slow, Costly Copyright Registration."

LIBRARY
OF
CONGRESS

The problems identified in the Report are not new. Their recognition by the Copyright Office and the Library of Congress is not new.

Department
DS

The Report lays heavy emphasis upon the past resistance to change in the Copyright Office. The Report treats only lightly recent gains, although the Report does acknowledge that "an environment for change is emerging."

Washington
D.C.
20540

The central criticism of the report is that the Office has "over the past decade" not acted upon past studies analyzing persistent problems. Those were, for example, identified and treated, at greater length than in this GAO Report, in the Report of the Surveys and Investigative Staff, Committee on Appropriations of the House of Representatives, in March of 1979 and an ensuing internal audit of the Copyright Office by the Library of Congress (#141) in May of 1980. Copies of those reports are available in the Copyright Office Reference Collection, and they should be considered along with the present GAO Report. Both are cited in Appendix I of the GAO Report.

I leave to those then responsible for the management of the Office prior to 1980, when I was appointed Register, to account for management and conditions in that period. The 141 Audit describes the condition of the Office as I received it in that year. I shall respond to the findings of the Report as they relate to the period since June 1980.

In recent months the Copyright Office has done more than merely express hope or good intentions on improving productivity, or create an "environment for change." It has changed, and it has performed. In the last two years the Office has reduced staff by 10% and increased output by 13%. That could be considered as evidence of the "aggressive productivity improvement program" asked by the Report. Upon the showing of the

Copyright Office at its most recent Appropriations hearing,[1] the Chairman volunteered to write a letter commending the Office on the performance and later did so. That letter is here reproduced[2]:

> Mr. FAZIO. I am impressed by what you have accomplished. Our subcommittee, the Chairman and Ranking Member, will write a letter that you can pass on to your employees expressing our appreciation as well.
>
> Mr. LADD. That would be very gratefully received.
>
> [CLERK'S NOTE.--Subsequent to the hearings the following letter was sent to the Copyright Office.]

---

[1]At that hearing the Copyright Office requested no staff increases and funds only to cover mandatory increases. We expect that will also be true of our FY 1984 request, despite large increases in workload

[2]Legislative Branch Appropriations for 1983, Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, 97th Cong., 2d Sess.

APPENDIX II

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CLERK AND STAFF DIRECTOR
KEITH F. MAINLAND

TELEPHONE:
(202) 225-2771

March 15, 1982

Mr. David L. Ladd
The Register of Copyright
Library of Congress
Washington, D.C. 20540

Dear Mr. Ladd:

On behalf of the Subcommittee on Legislative Branch, House Committee on Appropriations, we want to congratulate you and the staff of the Copyright Office on your performance during the past year. We have been advised by the General Accounting Office that, after a difficult period, the workload of the Copyright Office is stabilizing, as reflected by your marked gains in productivity within the last two years. We particularly have noted your prompt and effective compliance with this Committee's directive to curtail the regular and extensive use of overtime.

Improved productivity is important to the interests of the Copyright Office, the Library of Congress, and the Nation. We commend the Copyright Office for its efforts and results, and we trust that you will extend and improve that performance yet further.

Sincerely,

Clair Burgener
Ranking Minority Member
Subcommittee on Legislative Branch

Vic Fazio
Chairman
Subcommittee on Legislative Branch

APPENDIX II

In the course of the hearing, the Chairman also stated:

> . . . you can see that with declining staff levels and increases in productivity you are really showing improvement over there. Can we copyright it? [Laughter.] . . . We should give you more responsibility in some other realm of the government.

While the GAO Report understandably lays emphasis on what remains to be done, a representative of the GAO at that hearing, queried by the Chairman, stated:

> Mr. SORGEN. First of all, I would like to readily concur with what Mr. Ladd just said. We were quite impressed with the way they have done an excellent job of overcoming the backlog in registration. And I think our general central theme is while they have done a good job, there is still room for improvements. . . .

Changes of the scope advocated by the GAO are not achieved quickly in any organization, especially a Government organization, and especially after a period of inaction and resistance to change of which the Report repeatedly complains.

The Report would have been more fair, and more accurate, had it emphasized the substantial gains made in recent months rather than the Office's failure immediately to solve the difficult and long standing problems still remaining. And they will not be solved overnight.

This was, I believe, reflected in the GAO representative's concession reported in the following excerpt from the Appropriations hearing:

> Mr. LADD. I would like to observe from one of the flip charts which the GAO team used with us, and I will read from it: "Overall Theme: 'Inaction or slow action on major proposals over the past decade to improve productivity [,] speed up the registration process."
> So their message is essentially: "we think you are doing a wonderful job; but you have been there for nineteen months and why has not everything been done?" Is that not about it, Mr. Sorgen?
> Mr. SORGEN. Yes.
> Mr. FAZIO. Do you have any further points to make?
> Mr. SORGEN. No, not at this time, sir.
> Mr. FAZIO. Thank you, Mr. Sorgen. You did a good job, Mr. Ladd. . . .

APPENDIX II

Bear in mind that the gains remarked by the Appropriations Committee were achieved in a period of extraordinary demands on the Register and top management of the Office: legislation involving reports and testimony in both houses of Congress, on cable television, home taping, piracy, performers' rights, veterans performance exemption, and the manufacturing clause; major Congressionally mandated studies on the manufacturing clause, and, under 108(i), the provisions of the law relating to photocopying; and major international activities, including development of copyright relations with China. (And there was the significant drain of the GAO study itself. The GAO staff was on site for four months.) Handling those major policy issues alone, with no administrative progress, would have represented an achievement.

It is ironic—and discouraging—to have a GAO audit, with a report like that here presented, in a period of rapid improvement marking the end of a period of inaction complained of. Without doubt, the remaining recommendations of earlier studies (many have been implemented), as well as those of the present Report, will in due course be examined carefully as possible avenues to further improvement. The Appendix to this letter lists some actions already taken which will enhance performance. The gains on which the Appropriations Committee expressed its satisfaction, however, were made on the basis of what had been done or was in progress at the time the GAO study began.

We and the Congress can expect, moreover, that as the performance of the Office continues to improve, organizational pride will rise, and employee morale and satisfaction will also continue to improve. Gains like those of the last two years were certainly not achieved in a climate of deteriorating morale. (Notice that the Report talks only of what it perceives to be present morale; it is silent about morale in the decade of inaction.)

The Copyright Office, like any organization, should be judged by results. The Appropriations Committee has expressed its approval of the results in the Copyright Office's "efforts and results" over the past two years.

We expect those gains to be extended. We shall be content to continue to be judged by results.

Sincerely yours,

David Ladd

David Ladd
Register of Copyrights

APPENDIX II

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The following is a representative list of recent management actions and does not purport to be complete:

- Automation report (Phase III of COINS) recommending vastly simplified system completed. Implementation on schedule for January 1983 or before; three existing work stations to be merged into one
- Records Management policy written. Associate Register and Executive Officer assigned final decision-making authority. First major category of material disposed of
- Special Handling Fee of $130.00 implemented
- Filing Fee - in progress
- Groups convened throughout the Office to study correspondence problems and to recommend areas where phone calls and form letters can be used more extensively
- Copyright Card Catalog frozen - online retrieval system scheduled for September implementation. Card Catalog Section of 13 positions eliminated
- Task Group on Documents/Assignments formed to eliminate duplication in the handling of documents and to make recommendations for processing. Final report expected by August 20
- Copyright Office Accounting system completely revamped and simplified; currency achieved for the first time in years
- Consultant engaged to make 7-week study of Public Information Office; charged with recommending means of making that operation more efficient. Study concluded; final report in progress
- Cost/Benefit study commissioned to analyze the benefit of the copyright registration system to selected copyright industries
- Responsibility for all inprocess searching for the Office shifted from short-staffed areas to the Materials Expediting Unit
- Technical procedures manuals either completed or underway in all units of the Office
- Procedure established and implemented whereby all procedural and policy changes with cross-divisional impact are recorded in an Internal Documents Manual
- Work Measurement Project begun; baseline measures to be established for all operating units by the end of the calendar year

APPENDIX II

- Consultative Management formally adopted as the management style of the Copyright Office

- Meetings held with every staff member to gather input on the Mission, Goals and Organizational Values drafted by the Operations Group. Revised version reflecting input being drafted

- Two and one-half day orientations to all activities of the Copyright Office being conducted by division chiefs for existing and new staff on a biweekly basis